NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

MINUTES

DATE: February 21, 2014

TIME: 9:00 A. M.

LOCATION: Wake Technical Community College - Public Safety Education Campus

Raleigh, North Carolina

SUBMITTED BY: Steven G. Combs

Director

The Education and Training Committee, the Planning and Standards Committee, the Probable Cause Committee and the Executive Committee met on February 20, 2014 for their regular quarterly meetings. The Probable Cause Committee also met on February 19, 2014.

MEMBERS PRESENT

MEMBERS ABSENT

Chief Patricia Bazemore

Mr. Brent Herron

Colonel Bill Grey

Mr. Ray Davis

Ms. Gwen Norville

Chief Ira Jones
Mr. Eddie Caldwell
Dr. Robert Ruth
Mr. John Glenn

Mr. John Glenn Chief Scott Cunningham Chief Wrenn Johnson Captain Lee Farnsworth Chief Bill Hollingsed Chief Tim Ledford Mr. James Festerman Mr. Bob Myrick

Corporal Melissa Hinnant Ms. Stephanie Freeman Ms. Robin Pendergraft

Ms. Tracy McPherson Mayor Bobby Kilgore

Mr. Steve Johnson

Chief Tim Hayworth

Mr. Johnny Hawkins

Mr. Charles Johnson

Mr. Trev Robison

Chief Allen Smith

Mr. Jeff Welty

Lieutenant Yolanda Sparrow

Ms. Angela Williams

VISITORS

John Glascock Jason Pierce Cary Police Department Garner Police Department

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Douglas RobinsonGarner Police DepartmentDonald FosterHillsborough Police DepartmentDouglas HemingwayHillsborough Police DepartmentMichael ScarfoneMint Hill Police Department

N. C. Wildlife Resources Commission Mitchell Little Matthew Long N. C. Wildlife Resources Commission Todd Radabaugh N. C. Wildlife Resources Commission Ryan Taylor N. C. Wildlife Resources Commission James Edwards **RDU** Airport Police Department Jason Trogdon Randleman Police Department Sean Christian Joll River Bend Police Department Shawn Polk **UNC Hospital Police Department** Zebulon Police Department Ashley Dixon

Norman Cherry

NCDPS/Division of Adult Corrections

Landon Hicks

NCDPS/Division of Adult Corrections

Joyce Ruth

Mark Strickland N. C. Justice Academy
Christy Agner N. C. Department of Justice

STAFF

Richard Squires Lauren Earnhardt Catherine Jordan Tim Pressley
Kevin Wallace Sharon Witherspoon Dawn Suffel Trevor Allen
Gail Raper Erica Dees Donna Byrd

I. CALL TO ORDER

Commission Chairman John Glenn called the meeting to order. Following the roll call, Chairman Glenn declared that a quorum was present and welcomed all visitors to the Commission meeting. Chairman Glenn read the Ethics Responsibility into the minutes.

Chairman Glenn personally thanked Ms. Betty Reynolds for hosting the Commission at the Wake Technical Community College - Public Safety Education Campus in Raleigh.

Chairman Glenn personally welcomed Lieutenant Colonel John Spivey from Fort Bragg. Chairman Glenn stated that Fort Bragg is interested in having a full BLET accredited school at the base under our standards.

II. PRESENTATION OF RESOLUTION

Chairman Caldwell reported that the Executive Committee had approved a Resolution of Appreciation for Malia Hollingsworth.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee that the Commission adopt the Resolution of Appreciation for Malia Hollingsworth, seconded by Commissioner Steve Johnson. The MOTION carried unanimously.

Chairman Glenn read the Resolution of Appreciation into the minutes.

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Ms. Malia Hollingsworth accepted her Resolution by saying that she has enjoyed working with staff and the Commission. She stated that she would miss everyone.

III. AWARDING OF ADVANCED CERTIFICATES [Agenda Memorandum No. 01-14]

Vice-Chairman Caldwell reported that staff had evaluated the applications of all one hundred and twenty-seven (127) candidates. There were one hundred and six (106) candidates for the Advanced Law Enforcement Certificate and twenty-one (21) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate and the Advanced Certificate pin.

MOTION was made by Commissioner Ira Jones that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Angela Williams and carried unanimously.

The following individuals were present to personally receive their Advanced Law Enforcement and Advanced Criminal Justice Certificates:

John Glascock Cary Police Department

Presented by Chief Pat Bazemore

Jason Pierce Garner Police Department

Presented by Chief Brandon Zuidema

Garner Police Department Douglas Robinson

Presented by Chief Zuidema

Donald Foster Hillsborough Police Department

Presented by Chief Duane Hampton

Douglas Hemingway Hillsborough Police Department

Presented by Chief Hampton

Michael Scarfone Mint Hill Police Department

Presented by Chief Tim Ledford

N. C. Wildlife Resources Commission Mitchell Little

Presented by Colonel Dale Caveny and Captain Jon Evans

Matthew Long N. C. Wildlife Resources Commission

Presented by Colonel Dale Caveny and Captain Jon Evans

Todd Radabaugh N. C. Wildlife Resources Commission

Presented by Colonel Dale Caveny and Captain Jon Evans

Ryan Taylor N. C. Wildlife Resources Commission

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Presented by Colonel Dale Caveny and Captain Jon Evans

James Edwards RDU Airport Police Department

Presented by Chief Steel Myers and Director Pamela Edwards

Jason Trogdon Randleman Police Department

Presented by Steve Leonard

Sean Christian Joll River Bend Police Department

Presented by Ryland Matthews

Shawn Polk UNC Hospital Police Department

Presented by Chief Robert Sims

Ashley Dixon Zebulon Police Department

Presented by Chief Tim Hayworth

Norman Cherry NCDPS/Division of Adult Corrections

Presented by Director Charles Walston

Landon Hicks NCDPS/Division of Adult Corrections

Presented by Director Walston

IV. MINUTES OF NOVEMBER 22, 2013

Chairman Glenn entertained a motion to approve the minutes of the previous Commission meeting.

MOTION was made by Commissioner Ira Jones that the Commission minutes be amended on page 6 to reflect 26 hours be corrected to a total of 24 credits; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.

V. STANDING COMMITTEE REPORTS

A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell reported that the Executive Committee met on Thursday, February 20, 2014, at the Wake Technical Community College Public Safety Training Center in Raleigh.

Chairman Caldwell asked Director Steven Combs to give an update on the Criminal Justice Standards Division. A copy of his written report is attached.

Chairman Caldwell asked Director Mark Strickland to give an update on the Justice Academy. A copy of his written report is attached.

B. Education and Training Committee - Chairperson Wrenn Johnson

Chairperson Johnson reported that the Education and Training Committee met on Thursday, February 20, 2014 at the Wake Technical Community College, Public Safety Education Campus, Raleigh, North Carolina.

Chairperson Johnson reported that on behalf of the Joint In-Service Training Committee, Mr. Gary Dudley with the North Carolina Justice Academy presented the approved recommended training objectives for the 2015 in-service training topics. Mr. Dudley requested that the Education and Training Committee approve the training objectives as presented. The Committee approved the request.

Chairperson Johnson stated that on behalf of the School Accreditation Subcommittee, Commissioner Tracy McPherson recommended reaccreditation to institutions for a period of five years in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .0401for the delivery of the Commission regulated training. The following institutions are: Lenoir Community College - BLET and SMI, Wayne Community College - BLET and SMI, Caldwell Community College and Technical Institute - BLET, Western Piedmont Community College - BLET, SMI and General Instructor Training, and Wilkes Community College - BLET, SMI and General Instructor Training. In addition, the Subcommittee recommends the accreditation pursuant to 12 NCAC 09C .0401 and .0402 and 09B .0200 to Wayne Community College - General Instructor Training. The Committee approved this request.

Next, Chairperson Johnson reported that on behalf of the N.C. Department of Public Safety, Office of Staff Development and Training: Basic Training for Correctional Officers, Ms. Anna Alston, Central Regional Training Manager, requested the Committee's approval for the reallocation of hours in the Basic Correctional Officer course into the following blocks: Management and Supervision of Inmates reduced from 12 hours to 10 hours; Understanding Inmate Behavior reduced from 12 hours to 10 hours; Controls, Restraints and Defensive Techniques increased from 18 hours to 20 hours; Edged Weapons Defense increased from 2 hours to 3 hours; and Tactical Handcuffing increased from 2 hours to 3 hours. The Committee approved this request.

Chairperson Johnson reported that Deputy Director Wayne Ayers of the N.C. Justice Academy briefed the Committee of the current pilot status of the Specialized Instructor Prequalification process. The overall intent of the process was to reduce the number of skills prerequisite failures of the first day of the specialized instructor courses and increase the number of qualified students in each course delivery. Overall, the process is working and meeting the overall intent. Mr. Ayers requested that the Committee release the pilot status and make this a permanent change. The Committee approved this request.

C. Planning and Standards Committee - Chairperson Stephanie Freeman

Chairperson Stephanie Freeman reported that the Planning and Standards Committee met on Thursday, February 20, 2014 and approved the minutes of the November meeting.

Chairperson Freeman introduced Mr. Joseph Tilley, Chief Probation/Parole Officer from Stokes County. She explained that Mr. Tilley is a student in the Correctional Leadership Development Program.

Chairperson Freeman reported that the Planning and Standards Committee voted to proceed with the filing of rules as requested or amended: 12 NCAC 09B .0305 - Terms and Conditions of Specialized Instructor Certification; 12 NCAC 09G .0311 - Terms and Conditions of Specialized Instructor Certification outlines the requirements for initial and renewal of certification as a specialized instructor for law enforcement officers (9B .0305) and correctional officers (9G .0311). The proposed amendment changes the requirement for instructors to recertify by removing the requirement for instructors to teach in an area of specialized instruction when such area was added to an existing instructor certification with less than 12 months remaining until the end of the instructor's certification period.

Chairperson Freeman reported that 12 NCAC 09B .0502 - Terms and Conditions of School Director Certification outlines the requirements for continued certification as a Criminal Justice School Director. The amendment extends the period of certification as a School Director from 2 to 3 years to be consistent with other periods of instructor certification; the amendment also allows for the annual School Director's Conference to be delivered via alternatives means, such as in an online format.

Chairperson Freeman reported that the 12 NCAC 09E .0104 - Instructors: Annual In-Service Training outlines the requirements and responsibilities of instructors who conduct the law enforcement officers' in-service training program. The amendment would allow instructors holding certain specialty certifications, such as CPR instructor issued through AHA/Red Cross, specialty equipment (such as TASER, Monadnock) and Incident Command System Training through FEMA, but who are not certified as General Instructors, to teach in those specific areas of in-service training.

Chairperson Freeman reported that 12 NCAC 09B .0241 DJJDP Specialized Instructor Training - Restraint, Control and Defense Techniques outlines the topic areas and requirements for the Juvenile Justice Specialist CRDT Instructor Course. The proposed amendment includes a title change (Juvenile Justice Specialized Instructor Training - Restraints, Controls and Defensive techniques) as well as revision to the topical areas. The new topical areas are as follows: Orientation; Introduction to Restraints, Controls and Defensive Techniques; Physical Fitness/Warm-Up and Stretching Exercises; Response to Injury; Restraints, Controls and Defensive Techniques Basic Techniques; Restraint Applications; and CRDT Program Student Evacuation and Testing. The amendment also clarifies that the Office of Staff Development and Training of the Department of Public Safety is the only Commission-certified school authorized to deliver this training program.

Next, Chairperson Freeman reported that 12 NCAC 09G .0415 - Corrections Specialized Instructor Training - Firearms outlines the topic areas and requirements for the Corrections Specialized Firearms Instructor Course. The amendment revises the classifications of employees this course authorizes an instructor to teach by removing Probation/Parole Officer - Intermediate and PERT teams. The amendment also revises the topical areas of the course, removing rifle training and qualification; chemical weapons; and clarifying remaining topical areas.

Chairperson Freeman reported that 12 NCAC 09G .0416 - Corrections Specialized Instructor Training - Controls, Restraints and Defensive Techniques outlines the topic areas and requirements for the Correction Specialized CRDT Instructor Course. The amendment revises the classifications of employees this course authorizes an instructor to teach by removing Juvenile Justice Officers, Probation/Parole Officer - Intermediate and PERT teams. The

amendment also revises topical areas. The following topical areas were removed: Patterns of Movement and Advanced Instructional Techniques. The following topical area was revised: Program Evaluation was changed to CRDT Program Student Evaluation and Testing.

Chairperson Freeman reported that 12 NCAC 09B .0235 Basic Training - Juvenile Court Counselors and Chief Court Counselors outlines the required topics and hours for the basic training program for Juvenile Court Counselors and Chief Court Counselors: The amendment would increase the course hours from 144 to 160 hours. This list of required topics has been revised as follows: new topics are divided into "Juvenile Justice Common Core" and "Juvenile Court Counselor Specific." Juvenile Justice Common Core Courses are: Juvenile Justice Overview; Counseling and Communication Skills; Characteristics of Delinquents; Unlawful Workplace Harassment; Professional Ethics; Staff and Juvenile Relationships; Gang Awareness; Situational Awareness and Risk Assessment; Restraints, Controls, and Defensive Techniques; Secure Transportation; Mental Health; and Basic Life Support: CPR and First Aid. Juvenile Court Counselor Specific courses are: Roles and Responsibilities; Juvenile Law; Intake; Risk and Needs Assessment; Report Writing and Documentation; Interviewing; and Driver Safety. The rule also allows Juvenile Justice Officers who complete their 160-hour program after January 1, 2013 and transfer to a Juvenile Court Counselor position to take only the Juvenile Court Counselor Specific courses.

Chairperson Freeman stated that 12 NCAC 09B .0236 Basic Training - Juvenile Justice Officers outlines the required topics and hours for the basic training program for Juvenile Justice Officers. The amendment has been revised as follows: new topics are divided into "Juvenile Justice Common Core" and "Juvenile Justice Officer Specific." Juvenile Justice Common Core Courses are: Juvenile Justice Overview; Counseling and Communication Skills; Characteristics of Delinquents; Unlawful Workplace Harassment; Professional Ethics; Staff and Juvenile Relationships; Gang Awareness; Situational Awareness and Risk Assessment; Restraints, Controls, and Defensive Techniques; Secure Transportation; Mental Health and Basic Life Support: CPR and First Aid. Juvenile Justice Officer Specific Courses are: Treatment Program Operation; Maintaining Documentation of Activities and Behaviors; Basic Group Leadership Skills; Crisis Intervention Techniques; Effective Behavior Management; Health Services Overview; and Trauma and Delinquents. The rule also allows Juvenile Court Counselors who complete their 160 hour program after January 1, 2013 and transfer to a Juvenile Justice Officer position to take only those Juvenile Justice Officer Specific courses.

MOTION was made by Commissioner Freeman that the Commission grant rule-making authority to these amended rules; seconded by Commissioner Bill Hollingsed. The MOTION carried.

Chairperson Freeman noted that the Committee discussed the rule changes associated with removing testing from curriculum. She stated that the Education and Training Committee requested rule-making authority for a number of rules at the August 2012 meeting. She explained that at the rule-making hearing in November, staff had identified several other rules that were affected. These rules are: 09C .0211 - Pre-Delivery of Training Course Presentation - addresses testing information contained on the form; 09G .0308 - General Instructor Certification - makes this rule (which is applicable to Adult Corrections personnel) consistent with the General Instructor rules in 09B; 09G .0314 - Comprehensive Written Exam - Instructor Training and 09G .0414 - Instructor Training.

Chairperson Freeman noted that there were some concerns among the Committee members and other interested parties who were present at the meeting about the implementation of this and the impact on staff. Commissioner Steve Johnson stated that in 2012, the Commission made a series of motions to remove testing from Commission courses. Due to the lack of funding and staffing, the Commission went to centralized testing. By doing this, it would be a temporary fix in the long term and would be placing the burden of testing on the student. He explained that with the centralized testing, it has placed the burden on the school director. Commissioner Johnson stated that it was discussed with the Director by going to on-line testing, it would allow students to sign up for their own testing; online registration and possibly software solutions for on-line testing. Commissioner Johnson explained that by initially removing the burden of exam scheduling from instructor courses only, there would be minimum impact on staff. Chairperson Freeman noted that these rules would not go to rule-making hearing until August 2014.

MOTION was made by Commissioner Freeman to grant Planning and Standards rule-making authority to revise 12 NCAC 09C .0211-Pre-Delivery of Training Course Presentation, 09G .0308 - General Instructor Certification, 09G .0314 - Comprehensive Written Exam, 09G .0414 - Instructor Training, 09B .0401(d) - Time Requirement for Completion of Training and 09B .0406 - Comprehensive Written Examination - Basic Law Enforcement Training; seconded by Commissioner Farnsworth. The MOTION carried.

Chairperson Freeman noted that the Planning and Standards Committee had discussion regarding the scheduled meeting time. It was discussed that both Planning and Standards and the Education and Training Committees would like to be able to attend both meetings for discussion of rules that relate to the rule-making hearing. She noted that the Planning and Standards Committee would be revising their meeting time in the future.

Lastly, Chairperson Freeman stated that the Committee is reviewing the new records and retention schedule. The Committee is looking at seeking assistance from colleges and the School of Government.

D. Probable Cause Committee - Vice-Chairman Ira Jones

Chairman Davis reported that the Probable Cause Committee met on Wednesday, February 19th and again on Thursday, February 20th.

He reported that the Committee reviewed a total of thirty-three (33) cases. Probable cause was found in nineteen (19) cases and no probable cause in eight (8) cases. One case was continued for additional investigation. One case was not heard because the individual was no longer employed. He related that the Committee found probable cause in four cases in which the Committee offered a lesser sanction of an "Official Written Reprimand."

MOTION was made by Commissioner Jones that the Commission accept a lesser sanction of agreement for Memorandum Number 13/004; seconded by Commissioner James Festerman. The MOTION carried unanimously.

MOTION was made by Commissioner Jones that the Commission accept a lesser sanction of agreement for Memorandum Number 14/007; seconded by Commissioner Festerman. The MOTION carried unanimously.

MOTION was made by Commissioner Jones that the Commission accept a lesser sanction of agreement for Memorandum Number 14/021; seconded by Commissioner Angela Williams. The MOTION carried unanimously.

MOTION was made by Commissioner Jones that the Commission accept a lesser sanction of agreement for Memorandum Number 14/023; seconded by Commissioner Williams. The MOTION carried.

Vice-Chairman Jones concluded his report by stating that there was a revision to the Probable Cause Policy.

MOTION was made by Commissioner Jones that the Probable Cause Committee approve the changes in the Probable Cause Policy ([11] has failed to satisfactory complete the required training and pass the State Comprehensive Examination in its entirety within the 12 month probationary period [12 NCAC 09B.0403]); seconded by Commissioner Melissa Hinnant. The MOTION carried unanimously.

VI. OTHER BUSINESS

None

VII. COMMISSION MEMBER TRAINING Required by N.C.G.S. §93.5

Ms. Catherine Jordan presented Ethics Training for the Commissioners. Ms. Jordan reported that this is required pursuant to N.C.G.S. § 93B-5. She noted that Commission members would need to attend an Ethics Training class at least every two years.

VIII. OLD BUSINESS

A. Old Business

None

B. Legal Counsel Report

Ms. Cathy Jordan distributed a document entitled "Pending Administrative Cases" for the membership's review.

C. Final Agency Decisions

Chairman Glenn noted that Mr. John Congleton, an Assistant Attorney General, would serve as the Commission's Legal Counsel for the Final Agency Decision.

Chairman Glenn read the Recusal Statement to the Commission members and reminded everyone that both the Petitioner and the Respondent would be limited to 30 minutes of oral argument.

1. Shannon Pendergrass

Ms. Lauren Earnhardt presented oral argument regarding the case against Mr. Pendergrass.

Mr. Shannon Pendergrass presented oral argument on behalf of himself.

MOTION was made by Commissioner Scott Cunningham that the Commission go into Closed Session; seconded by Commissioner Charles Johnson. The MOTION carried unanimously.

MOTION was made by Commissioner Bob Ruth that the Commission return to Open Session; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.

MOTION was made by Commissioner Charles Johnson that the Commission adopt the Proposed Final Agency Decision that Shannon Pendergrass' correctional officer certification be suspended for a period of not less than three year. This period begins on the date this ORDER is signed; seconded by Commissioner Bob Myrick. The MOTION carried unanimously. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote.

2. Lee Daniel Wilkerson

Commissioner Caldwell recused himself from this case.

Ms. Lauren Earnhardt presented oral argument regarding the case against Mr. Wilkerson.

Mr. Wilkerson presented oral argument on behalf of himself.

MOTION was made by Commissioner Scott Cunningham that the Commission go into Closed Session; seconded by Commissioner Melissa Hinnant. The MOTION carried unanimously.

MOTION was made by Commissioner Cunningham that the Commission return to Open Session; seconded by Commissioner Wrenn Johnson. The MOTION carried unanimously.

Mr. John Congleton, an Assistant Attorney General stated that there were some technical errors within the Proposed Final Agency Decision. He explained that the Petitioner would need to be notified of sanctions. Also, the Petitioner would need to return to the next Commission meeting.

MOTION was made by Commissioner Cunningham that Lee Daniel Wilkerson return to the Commission once he has been notified of sanctions; seconded by Commissioner Jeff Welty. The MOTION carried unanimously.

X. DATE OF NEXT MEETING

Chairman Glenn advised that the next Commission meeting is scheduled for May 21-22, 2014 at the Wake Technical Community College, Public Safety Education Campus.

XI. MOTION TO ADJOURN

MOTION was made by Commissioner Bob Ruth that the Commission adjourn; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.